

REMARKS

Claim Objections

Claim 4 is objected to because the claim is labeled as original, but has been amended.

Applicant has amended the claim to have the correct status identifier of (CURRENTLY

5 AMENDED). Withdrawal of this objection is respectfully requested.

Rejections Under 35 USC 112

Claims 2, 9, and 11 have been rejected under 35 USC 112 second paragraph as being indefinite and failing to particularly point out and distinctly claim the subject matter which applicant
10 regards as the invention.

With respect to claim 2, the limitation “the learner’s personal database can be sorted and customized...” lacks antecedent basis. Correction has been made to “the personal database can be sorted and customized...” as recommended by examiner. Withdrawal of this rejection is respectfully requested.

15 With respect to claim 9, Applicant has amended the claim to delete the word “to” before the two indented claim limitations that resulted in the grammatical awkwardness. Withdrawal of this rejection is respectfully requested.

With respect to claim 11, Applicant has amended claim 4, from which claim 11 depends, to include the limitation of submitting audio samples along with the learner’s text, and has amended
20 claim 11 to read “The method of claim 4, wherein the submitted learner’s text and audio samples are stored in the learner’s database”. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 USC 103

A prima facie case of obviousness is established when an examiner provides:

1. one or more references
2. that were available to the inventor and
3. that teach
4. a suggestion to combine or modify the references,
5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

Accordingly, an applicant who is able to prove that the Examiner has failed to establish any one of these elements will prevent the prima facie case of obviousness from being established.

Claims 2-4, 11-13, 16, and 17 stand rejected under 35 USC 103(a) as being unpatentable over Rosenfield, et al. ('053) in view Bishop ('599).

The writing correction system of the present invention is a software system that allows a real person (a tutor) to correct a learner's writing. This software enables the tutor to efficiently correct incorrect phrasing with correct phrasing so that the corrected version of the text that is now written in correct language is available to the learner. At the same time, as the tutors assign mistake types to the mistakes, the system tracks the types of mistakes that are being made to enable the learner to focus on their problem areas. The present invention does not grade any submissions and we consider grading to be a completely separate activity from keeping a statistical record. The statistics of the present invention refer to mistake types and to the rate at which mistakes are being made and are kept for the benefit of the learner, to help motivate the learner to improve and to help identify problem areas. The statistics of the present invention bear no relation to a grade and can in no way be used to assess a learner's level.

With respect to claims 2-4, in the present invention, study material is graded to the level of the learner by first measuring which words the learner knows and then comparing the words in

a new item with the database of known words of the learner. This is different than any kind of study material grading done in any of these other prior art systems that are not based on the level of the individual learner but are general difficulty labels applied for all learners.

5 The present invention does not involve a tutor and learner interacting simultaneously in a simulated classroom environment. The present invention's learners log on and perform essentially self-directed tasks with direction and content grading largely done by the system itself based on statistical tracking and measurement of the learners' activities. There is no direct feedback from a tutor during our core learning activities. The tutors of the present invention only oversee the learners' activities occasionally and provide encouragement and social interaction to
10 the learners. The present invention does not replicate the classroom online as these other systems attempt to do.

The present invention is not sorting the database. The present invention is tracking and measuring all the learners' activities on the site and using this information to set goals and track progress and to determine properly graded study material for the learner. This has nothing to do
15 with sorting the database. This is personalized measurement and accountability in all facets of language learning that these other prior art systems do not do.

It is not the storing of text or audio samples that are unique to the present invention, it is the way in which we correct writing that is unique. It is the way the present invention store words and phrases that the learner identifies in any text he wants to study. These are not pre-
20 selected words and phrases that the tutor has prepared for the learner. The learner is able to use the system of the present invention as a means for collecting all terms in his target language that he wants to learn, no matter where or how he encounters them. It is a central database of all his language learning activities.

The writing correction system of the present invention involves no computer checking of the learners text. All correction is done by a tutor.

With respect to claims 2 - 4. Applicant disagrees that '599 teaches a language library
5 equivalent to that used by the present invention and a pronunciation instruction session providing means for audio input by learner for comparison to audio output of select word or phrases from the language library.

With respect to means for audio input by learner for comparison to audio output of select word or phrases from the language library, the present invention discloses and claims the ability
10 for a learner to record their voice and then listen to their recording and pronunciation of a word or phrase and the pronunciation of the word or phrase by another through a recording stored in the database. '599 merely play a database recording of the word or phrase while visually displaying the mouth movements of a person talking or saying the word or phrase. '599 does not provide nor teach the ability to record a learner's voice or provide audio playback of the learner's
15 voice and a recorded voice for audible comparison. Here the references fail to teach one of the claim limitations as required for a proper 103 rejection. Withdrawal of this rejection is respectfully requested.

With respect to claim 4, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2 and 3 above upon which claim 4 depends, and further
20 disagrees that '599 teaches a language instruction session including a writing instruction section for submission of learner's text for review. Applicant concedes that both '599 and the present invention consist of an input device, but there is no means for the submission of a "text" as defined by the present invention to include a longer written product and not a word or sentence answer to a question.

In the present invention, a learner is able to submit a written product such as a term paper or report for review by another learner, a tutor, or a teacher within the system. Applicant would like to be quite clear that they not attempting to patent some form of interactivity between learners and tutors. They are attempting to patent their software for language learning. The only exception being the writing correction system, which is absolutely different from that described by Bishop ('599) in which a learner's basic text answers are compared against the basic answers stored in the system. This is not even related to the writing correction of the present invention, which involves a learner submitting any text that he has written, which is then analyzed by a tutor and corrected using the system of the present invention. This is not an activity that could ever be done by a computer and certainly the kind of tutoring that we provide can not be confused with the kind of "tutoring" the examiner claims '599 provides. Here the references fail to teach on of the claim limitations as required for a proper 103 rejection. Withdrawal of this rejection is respectfully requested.

With respect to claim 12, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, and 11 above upon which claim 12 depends, and further disagrees that '599 teaches a method where a language coach or learner may access writing or audio samples for review. There is no mention or suggestion of this being done by a learning coach nor of audio or writing samples created, stored and provided by the learner. Furthermore, when that section of text is read in view of the entire paragraph in which it is taken from, it is apparent that the materials referred to in the database ***are the teaching materials provided by the system and not the learner's submitted and stored materials.*** The claim language has been amended to specifically limit the writing or audio samples to that ***submitted by the learner.*** Withdrawal of this rejection is respectfully requested.

With respect to claims 11 and 13, Applicant concedes that '053 teaches all the limitations of claim 1, refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, and 11 above upon which claims 11 and 13 depend. There is no mention or suggestion of this being done by a learning coach nor of audio or writing samples created, stored and provided by the learner. It is apparent that the materials referred to in the database are teaching materials provided by the system and not learner's submitted and stored materials. The claim language has been amended to specifically limit the writing or audio samples to that submitted by the learner. Withdrawal of this rejection is respectfully requested.

With respect to claim 16, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, and 11 above upon which claim 16 depends. Withdrawal of this rejection is respectfully requested.

With respect to claims 16 and 17, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 11, and 12 above upon which claims 16 and 17 depend. Withdrawal of this rejection is respectfully requested.

Claims 5-10, 15, and 18 stand rejected under 35 USC 103(a) as being unpatentable over Rosenfield, et al.('053), Bishop ('599), and further in view of Rtischev, et al. (US 6,302,695) hereafter referred to as '695.

With respect to claim 5, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2-4 above upon which claim 5 depends, and further disagrees that '695 does not generate a statistical analysis of the corrections. In '695 there is no statistical analysis that provides a "frequency of errors" disclosed and required and generated by the present invention. Here, the teacher merely provides a review of the submitted text and is specifically taught to be limited to returning to the learner no more than three errors. The system

of the present invention provides no such limitation on the number of errors that may be reported to a student and requires that as many errors as possible be report. '695 is concerned with the burden on the teacher and the discouragement that is provided by a student who makes more than three errors.

5 The present invention is focused on showing a student all their errors, recording the frequency of the errors, in quantity and type, and then enable the student, via a report, using a statistical analysis, to determine if their error rate is improving, worsening, and identifies what errors are more or less common for them personally and where their strengths and weaknesses in learning the foreign language lie. '695, neither suggests or teaches a statistical analysis and
10 Examiner's effort to correlate the reporting of a maximum three errors and their later potential correction as a statistical analysis is incorrect and unsupported. Withdrawal of this rejection is respectfully requested.

 With respect to claim 6, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, and 5 above upon which claim 6 depends, and further
15 disagrees that 'prior art further teaches the learner choosing the content of interest. The present invention allows a learner to select "content of interest" based on subject matter for the desired language being learned. In the present invention "content of interest" does not equate to the foreign language of interest of desire to be learned. Content of interest as defined in the present invention is a sub-set of the materials in a database associated with each language. These
20 materials enable a learner to study subject matter, for example gardening, sports, politics, lifestyle, etc., in the foreign language.

 Applicant does concede that '599's Notes feature refers to accessing notes related to specific words and phrases that have been pre-identified by their system and that '599 does refer

to similar activities involving saving of vocabulary and definitions and context as the present invention. Although, when the present invention discusses accessing content, the present invention refers to a vast and continually expanding library of authentic language content, consisting of interviews, articles, audio-books, conversations etc. in both audio and text that the learner can choose from to study and Applicant fails to see this connection with '599.

None of the cited prior art teaches, discloses or suggests the use of content or subject based materials for use in the learning of a foreign language for providing interesting content to a learner so that they are not only working on learning a language but also reading, studying, or discussing a topic they are interested in as well. For example, a sports fan of world cup soccer may be studying German in preparation for a trip to the World Cup in 2006. This learner not only desires to learn the German language, but would find it much more enjoyable if his learning content was focused on sports and possibly soccer, rather than content provided only for the sake of building vocabulary or sentence structure. Applicant hopes that this discussion has clearly defined the difference between "content of interest" and simply the "selection of a foreign language", which appears to be the basis of misunderstanding. Amendments to the claim language have been presented to better define the scope of the claim. Withdrawal of this rejection is respectfully requested.

With respect to claims 7, 8, 10, and 15, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, and 6 above upon which claims 7, 8, 10, and 15 depend, and further disagrees that '053 teaches the creating of a personal database wherein *learner* enters selected content which contains word cards and phrases.

With respect to claim 7, '053 does not teach nor suggest that a learner may created their own personal and individual word or phrase cards for storage and retrieval for personal learning. Withdrawal of this rejection is respectfully requested.

5 With respect to claim 8, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, 6, and 7 above upon which claim 8 depends, and further disagrees that '695 teaches the connection of words and phrases to sentences in a learner's personal database. Examiner cites no specific section of '695 only "create exercises", which only appears twice in '695 and appears to be no more than the ability to create question and answer exercises, which is a guess by Applicant as it is actually undefined in '695. In either
10 event, the "create exercises" component of '695 does not suggest or teach a personal learner database where a user may create links or reference materials that link words, phrases, and sentences. The present invention does not teach the creation of an exercise, but merely the ability to create links in a learner's personal database so that they can quickly and effectively reference a word or phrase and view a sample of its use, as personally defined. Withdrawal of this
15 rejection is respectfully requested.

With respect to claim 9, none of the prior art systems track and retain statistical information on their learners activities and then use these statistics to motivate the learner and to help the learner determine their level or direct their studies. All of these other systems offer specific lessons based on level according to non-statistical assessment done by the tutor or the
20 learner. Withdrawal of this rejection is respectfully requested.

With respect to claim 10, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, 6, 7, and 8 above upon which claim 10 depends. Withdrawal of this rejection is respectfully requested.

With respect to claim 15, Applicant refers Examiner to the previous discussion with respect to the traverse of claims 2, 3, 4, 5, 6, 7, 8, 9, and 10 above upon which claim 15 depends. Withdrawal of this rejection is respectfully requested.

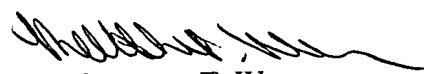
5 With respect to claim 18, writing correction described by the prior art is very limited and refers to comparing typed responses of learners to correct responses which have previously been entered into the system by administrators. This is nothing like the present invention. The present invention is correcting essays and not canned responses. The present invention does not use a computer to match up and compare a learner's answer with the correct response. The present invention's tutors must read the submissions, identify what the learner is trying to say, replace the learner's incorrect phrasing with correct, natural phrasing and then provide specific feedback to the types of mistakes being made. At the same time the system monitors the type of mistake and frequency of mistakes in the composition. The two systems (prior art vs. present invention) are completely unrelated. Withdrawal of this rejection is respectfully requested.

15 CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely.

Respectfully submitted,


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